

## REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance.

### I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-24 are currently pending. Claims 1, 7, 13, 19 and 24 are independent.

### II. REJECTIONS UNDER 35 U.S.C. §103

Claims 13-18 were rejected under 35 U.S.C. §103 as allegedly anticipated by U.S. Patent No. 5,708,961 to Hylton et al. (hereinafter, merely “Hylton”) in view of U.S. Patent No. 5,133,079 to Ballantyne et al. (hereinafter, merely “Ballantyne”).

Applicants respectfully traverse this rejection.

Independent claim 1 is representative and recites, *inter alia*:

“wherein the display apparatus can receive and demodulate only the transmitted signal destined therefor from among all transmitted signals from the channel selection apparatus so the demodulated signal can be provided to a user.” (emphasis added)

That is, in an aspect of the present invention, the display apparatus (4), (5) and (6) receives and demodulates only respective radio signals transmitted from the channel selection apparatus destined for the respective display apparatus so that the demodulated signal can be provided to the user. In this embodiment, the present invention does not have a variable tuner. That is, the

display apparatus can only demodulate a signal transmitted by the channel selection apparatus that was destined for the particular display apparatus, no other.

First, the Office Action at page 3 (bottom) points to Hylton and states, “the claimed, ‘display apparatus is arranged to receive and demodulate only a respective signal transmitted from the channel selection apparatus’ is met by \*\* [citations to Hylton].” While Applicants do not concede the Office Action assertion, Applicants note the Office Action misquotes the element of the claim.

Second, the Office Action at page 5, concedes that “Hylton . . . fails to teach allowing the display apparatus to only demodulate content which is intended for it.” The Office Action then points to Ballantyne col. 5, lines 8-44 for the element missing from Hylton. The Office Action attempts to make a customer identifier (UIN) that is merely checked against an identifier on a stream of data to read on a “demodulator” that selects a particular signal from a multiplexed group of signals. Applicants contend this is clearly an overly broad reading of a customer identifier.

As understood by Applicants, Ballantyne describes a method of distributing movies from a central distribution library. In relevant part, a customer requests the delivery of a desired movie. At the start of transmission from the central distribution library, the customer's UIN is appended to the video being distributed. This UIN is embedded in the customer video storage system (at the customer's location). *Ballantyne*, col. 6, lines 24-43. Upon receipt by the customer, the UIN value is checked against the UIN number tagged to the distributed video movie, and if a match

occurs, the signal is passed for further processing to the compact disc erasable read only memory (CD-EROM) controller. *Ballantyne*, col. 5, lines 25-29.

The Office Action broadens the teachings of Ballantyne or reads into Ballantyne disclosures not actually made. Ballantyne merely employs a user ID (UIN) appended to a transmitted video signal to identify a video as requested by a particular user. In Ballantyne, the television set (45) is a “conventional television set.” *See, for example, Ballantyne*, col. 6, lines 1-2. A conventional television set includes a tuner. A tuner on a conventional TV set is capable of demodulating any one of a number of signals.

A “demodulator” and “demodulate” are well-known terms in the art of signal broadcasting. A sampling of definitions include: (1) “an electronic circuit used to recover the information content from the carrier wave of a signal.” *Wikipedia*, <http://en.wikipedia.org/wiki/Demodulator>, 02/28/2008, and, (2) “To extract (information) from a modulated carrier wave.” *The American Heritage Dictionary of the English Language: Fourth Edition, 2000*, <http://www.bartleby.com/61/43/D0124300.html>, 02/28/2008.

There is no suggestion in Ballantyne the TV set is anything other than a conventional TV set. There is certainly no suggestion the TV set of Ballantyne “can receive and demodulate only the transmitted signal destined therefor.” Claim 1 is distinguishable from Ballantyne for at least the reason that the display device can receive and demodulate only the transmitted signal destined therefor.

Claim 1, is believed patentable over Hylton and Balantyne because those references taken alone or in combination do not teach or suggest each and every element recited in the claim.

Claims 7, 13, 19 and 24 are believed patentable for substantially the same reasons as claim 1.

### **III. DEPENDENT CLAIMS**

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### **CONCLUSION**

Claims 1-24 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By: 

Paul A. Levy  
Reg. No. 45,748  
(212) 588-0800